

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIANNI SHARPA THOMAS,

Defendant.

NO. CR22-198 RSL

UNITED STATES' MEMORANDUM  
RE: PRETRIAL BOND VIOLATION

Gianni Thomas is charged with firearms and drug trafficking offenses stemming from two separate incidents in May and September 2022. At the time he committed these crimes, Thomas was on supervision with the Washington State Department of Corrections after serving a sentence on a felony domestic violence case. Dkt. 1 (Complaint) at 3-4. Thomas is a documented member of the Blood Stakk Team, a criminal street gang. Dkt. 1 at 4.

On November 1, 2022, after conducting a detention hearing, Magistrate Judge Brian A. Tsuchida entered a pretrial detention order, finding that Thomas was both a danger to the community and a flight risk. Dkt. 14. The Order makes note of Thomas' "significant criminal history with convictions indicating a propensity for violence." Dkt. 4 at 1.

1 After holding a second detention hearing on Thomas' Motion to Reopen, Judge  
2 Tsuchida denied the motion for release and maintained the prior detention order. Dkt. 28.

3 Thomas then filed a Motion to Revoke the detention order before this Court.  
4 Dkt. 32. The government opposed the motion. Dkt. 33. The Probation Office continued to  
5 recommend that Thomas remain in pretrial detention. The Court held a hearing on  
6 January 13, 2023, after which it granted Thomas' motion and revoked the detention order  
7 entered by Judge Tsuchida. The Court entered an appearance bond allowing Thomas to  
8 be released to an inpatient treatment facility, North Sound Behavioral Health. Dkt. 38.

9 Practically from the get-go, Thomas misbehaved at the facility by committing  
10 various rule infractions, including repeatedly accessing the internet and social media and  
11 being verbally aggressive with the facility staff. Thomas' conduct got worse over time  
12 and the staff was unable to remediate his behavior. USPO Memorandum at 2.

13 The director of the facility ultimately made the decision to terminate Thomas from  
14 the program. It appears the director made this decision on February 6, 2023, to be  
15 effective the following day.

16 Rather than notify the Probation Office that Thomas was being terminated from  
17 the facility, the director contacted defense counsel during the daytime hours of  
18 February 6, 2023.<sup>1</sup> They discussed the need for Thomas to get picked-up from the facility  
19 the following morning.

20 During the evening hours of February 6, 2023, defense counsel sent an email to  
21 the Probation Office notifying them that Thomas had been terminated from the program.

22 The next morning, the Probation Office submitted a Petition for Warrant based on  
23 Thomas' bond violation for failing to successfully complete the treatment program. The  
24 Court issued a warrant.

25 Thereafter, the Probation Office contacted defense counsel to discuss the matter.  
26 The Probation Office told defense counsel that Thomas must report immediately to their  
27 office at the federal courthouse to address the bond violation. They discussed how

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<sup>1</sup> Prior to this, the facility had not been returning calls from the Probation Office.

1 Thomas would get to the courthouse, with defense counsel ultimately stating that  
2 Thomas' sister-in-law would pick him up at the facility.

3 Thomas was wearing a GPS monitoring device, which the Probation Office began  
4 to track. Thomas departed the facility at approximately 1:30 p.m. However, he did not  
5 comply with the directive to report immediately to the courthouse. Instead, Thomas and  
6 his sister-in-law drove around Everett, stopping for frozen yogurt and at a Walgreens,  
7 among other places. After a couple hours, they started driving south on Highway 99. At  
8 approximately 3:30 p.m., their vehicle was involved in a well-publicized, tragic car  
9 accident with a drunk forklift driver. Thomas' sister-in-law was killed in the accident and  
10 Thomas was hospitalized for several days.

11 Thomas was released from the hospital and made his initial appearance on the  
12 bond violation on February 13, 2023. He was remanded into custody pending an  
13 evidentiary hearing before this Court on March 2, 2023.

14 Thomas received several unexpected opportunities in this matter. But he violated  
15 this Court's trust at every turn. First, this Court gave him the opportunity to release to an  
16 in-patient treatment program. Thomas responded by repeatedly breaking the facility's  
17 rules, resulting in his termination from the program. Next, the facility failed to notify the  
18 Probation Office of the termination, effectively creating a situation where Thomas was  
19 allowed to self-surrender on the bond violation. Thomas again violated the Court's trust  
20 by ignoring the Probation Office's directive to report immediately to the courthouse,  
21 setting into motion a tragic series of events. At this point, the Court should find that  
22 Thomas violated the conditions of his bond and remand him into custody pending trial.

23 The Court should also address this situation with the Probation Office, in terms of  
24 any future work with North Sound Behavioral Health and, more broadly, with other in-  
25 patient treatment facilities. The procedures that were followed in this case are  
26 unacceptable. When a defendant is terminated from a treatment facility that he is  
27 attending pursuant to the Court's appearance bond, the facility should notify the

1 *Probation Office*, not defense counsel.<sup>2</sup> Had that occurred here, the Court would have had  
2 the opportunity to issue a warrant on February 6 and the U.S. Marshal's Service would  
3 have had the opportunity to execute the warrant at the facility the following morning.  
4 Thomas would have been brought immediately to the courthouse without incident for his  
5 initial appearance.

6 DATED this 15<sup>th</sup> day of February, 2023.

7 Respectfully submitted,

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27 <sup>2</sup> The government is not suggesting that defense counsel acted inappropriately during these events. We appreciate that counsel advised the Probation Office of the termination and are confident that counsel conveyed the Probation Office's instructions for Thomas to report immediately to the courthouse.